

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
Civil Division

HENRY LEHMAN, et al.

Plaintiffs,

v.

Case No. 08CV1012

CITY OF FREDERICK, MARYLAND, et al.

Defendants

**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO DISMISS OR IN
THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT**

COMES NOW the Plaintiffs, Henry Lehman, Julia Lehman, and Henry Lehman as parent, guardian, and next of friend of minor children Henry Vladimir Lehman and Charles Alexander Lehman, by and through their attorneys, Patrick J. Christmas & Associates, P.C. by Stephen M. Gensemer, Esquire and hereby respectfully files this Response to Defendants', City of Frederick and Officer Garcia, Motion to Dismiss or in the Alternative Motion for Summary Judgment and in support therefore the Plaintiff submits the following:

1. Based upon the Defendant's Motion to Dismiss or in the Alternative Motion for Summary Judgment, and in lieu of this Honorable Court's recent ruling in *Jones et al. v. City of Frederick et al.*, Case No. AMD-07-3010, the Plaintiffs respectfully request that this Honorable Court dismiss the Plaintiffs' claims **without prejudice** to allow the Plaintiffs to pursue their claims in State Court.

WHEREFORE, for the reasons stated above the Plaintiffs respectfully request that this Honorable Court Dismiss the Plaintiffs' claims **without prejudice**.

Respectfully submitted,

**PATRICK J. CHRISTMAS
& ASSOCIATES, P.C.**

A handwritten signature in black ink, appearing to read 'Patrick J. Christmas', is written over a horizontal line.

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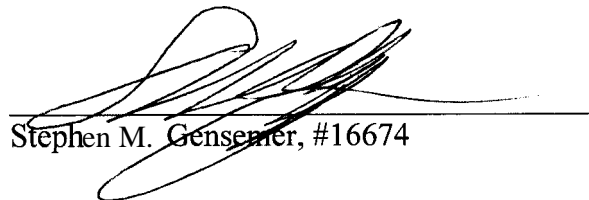
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the forgoing Plaintiffs' Response to Defendants' Motion to Dismiss or in the Alternative Motion for Summary Judgment was e-filed and mailed first class, postage prepaid, this 27th day of August 2008 to:

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